



10 September 2012

Submissions, Skills and Workforce Development Policy  
Australian Workforce and Productivity Agency  
GPO Box 9839  
CANBERRA ACT 2601

By email: [workforcedevelopment@awpa.gov.au](mailto:workforcedevelopment@awpa.gov.au)

Dear Sir/Madam,

### Response to Australia's Skills and Workforce Development Needs Discussion Paper, 2012

1. Women's Legal Services NSW (WLS NSW) thanks the Australian Workforce and Productivity Agency for the opportunity to comment on Discussion Paper, *Australia's Skills and Workforce Development Needs Discussion Paper (Discussion Paper)*. We understand responses to this *Discussion Paper* will inform the development of the 2012 National Workplace Development Strategy.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. In summary, the *Discussion Paper* outlines some barriers to women working. Additional barriers to women working and inequities in work should be recognised and addressed in the 2012 National Workforce Development Strategy, including: the impact on women of the casualisation of work; specific barriers to working faced by single mothers, including lack of transport options; strategies to address the impact of domestic violence in the workplace. Additionally, specific reference to the need and importance of culturally appropriate education that recognises the special needs of Aboriginal and Torres Strait Islander people should be included in the 2012 National Workforce Development Strategy.

### Barriers to women working

4. The *Discussion Paper* briefly outlines some barriers to women working, including lack of workplace flexibility and lack of access to affordable childcare. However, there needs to be more analysis regarding barriers to women working and ways to address this.



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5. While section 1.3.3 refers to the 'rise in part-time and casual jobs' and acknowledges that 'some women who work-part-time would prefer to work more' there does not seem to be any analysis of insecure work, including casual work undertaken by women which generally does not include holiday or sick leave. We refer you to the recent report of the Independent Inquiry into Insecure Work in Australia *Lives on Hold: Unlocking the Potential of Australia's Workforce* for further information. We note that women are more likely than men to be in casual employment.<sup>1</sup> We further note that in 2007 more than 50% of casual employees reported they would prefer not to be employed on a casual basis.<sup>2</sup> Addressing the issue of insecure work should be included in the 2012 National Workforce Development Strategy.
6. While the *Discussion Paper* refers to families with children, there is very little analysis regarding specific barriers to working faced by single mothers. In addition to lack of affordable child-care, which is mentioned in the *Discussion Paper*, transport with respect to the expense and/or difficulties in accessing public transport or a car and the time it takes to travel on public transport is another barrier.<sup>3</sup> This should also be considered in developing the 2012 National Workforce Development Strategy.
7. We are also concerned that there is no mention of both the importance of employment opportunities and barriers to employment opportunities for victims/survivors of domestic violence who are primarily women. We refer to the *National Domestic Violence and the Workplace Survey 2011* which discusses this in more detail.<sup>4</sup>
8. We also note the importance of addressing the impact of domestic/family violence in the workplace via enterprise bargaining agreements.<sup>5</sup> We refer to Ms Rishworth's motion in the House of Representatives on 25 June 2012 which outlined the gendered nature of domestic violence and the significant impact that domestic violence can have on the employment of women. Ms Rishworth 'urge[d] all private companies and public sectors to include domestic violence clauses in their enterprise agreements to provide victims with important protections such as access to leave in addition to existing entitlements.'<sup>6</sup> We support the inclusion of this in the 2012 National Workforce Development Strategy.
9. We note the Government's current work in consolidating anti-discrimination laws and recommend the strengthening of anti-discrimination laws to prohibit discrimination against women who are victims/survivors of domestic/family violence, including in the

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<sup>1</sup> 25.5% of all female employees are casual compared to 19.7% of male employees. Cited in *Lives on Hold: Unlocking the Potential of Australia's Workforce, The Report of the Independent Inquiry into Insecure Work in Australia*, 2012 at 15(23) accessed on 6 September 2012 at: [http://www.actu.org.au/Images/Dynamic/attachments/7626/Lives%20on%20Hold%20-%20Unlocking%20the%20potential%20of%20Australia%e2%80%99s%20workforce\\_v2.pdf](http://www.actu.org.au/Images/Dynamic/attachments/7626/Lives%20on%20Hold%20-%20Unlocking%20the%20potential%20of%20Australia%e2%80%99s%20workforce_v2.pdf)

<sup>2</sup> ABS, *1370.0 - Measures of Australia's Progress, 2010*, accessed on 6 September 2012 at: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1370.0~2010~Chapter~Casual%20employees%20%284.3.5.4%29>

<sup>3</sup> Rochelle Braaf & Isobelle Barrett Meyering, *Seeking Security Promoting women's economic wellbeing following domestic violence*, Australian Domestic and Family Violence Clearinghouse, March 2011 at 89.

<sup>4</sup> Ludo McFerran, *National Domestic Violence and the Workplace Survey 2011*, Australian Domestic and Family Violence Clearinghouse, December 2011 accessed on 6 September 12 at: [http://www.adfvc.unsw.edu.au/PDF%20files/Domestic\\_violence\\_and\\_work\\_survey\\_report\\_2011.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Domestic_violence_and_work_survey_report_2011.pdf)

<sup>5</sup> We note that the Australian Labor Party committed to changing anti-discrimination legislation and the *Fair Work Act* to provide 'appropriate protection to victims of domestic/family violence in the workplace (see Australian Labor Party 46th National Conference, 2011, Amendment 448A). See also the motion by

<sup>6</sup> Commonwealth Government of Australia, *House of Representatives Hansard*, 25 June at 176 (192).

employment context.<sup>7</sup> We refer to Ms Lee's motion in the Senate on 27 June 2012, which called on the Government to 'consider introducing domestic and family violence as a separate ground for discrimination.'<sup>8</sup>

10. Strategies to address the impact of domestic violence in the workplace should be included in the 2012 National Workforce Development Strategy

**Aboriginal and Torres Strait Islander people**

11. We refer to section 1.3.5 of the *Discussion Paper*. We note the recognition that 'outcomes for Indigenous Australians improve dramatically with education.' We further recommend that specific reference be made to the importance that education for Aboriginal and Torres Strait Islander people is delivered in a way that is culturally appropriate and recognises the special needs of Aboriginal and Torres Strait Islander people. We refer, for example, to the *Aboriginal Ways of Learning Project*.<sup>9</sup>
12. If you would like to discuss any aspect of this submission, please contact Liz Snell, Law Reform and Policy Co-ordinator or Donna Hensen, Indigenous Women's Legal Program Co-ordinator on 02 8745 6900.

Yours sincerely,

Liz Snell  
Law Reform and Policy Co-ordinator

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<sup>7</sup> NACLC, *Response to the Consolidation of Commonwealth Anti-Discrimination Laws Discussion Paper*, 1 February 2012 at 37-39 accessed on 6 September 2012 at: [http://www.womenslegalnsw.asn.au/downloads/law-reform/2012NACLC\\_AGD\\_DiscriminatonConsolidation.pdf](http://www.womenslegalnsw.asn.au/downloads/law-reform/2012NACLC_AGD_DiscriminatonConsolidation.pdf)

<sup>8</sup> Commonwealth Government of Australia, *Senate Hansard*, 27 June 2012 at accessed at 59 (71).

<sup>9</sup> P. Hughes, A.J. More and M. Williams, *Aboriginal Ways of Learning Project*, 2004 accessed on 7 September 2012 at: <http://www.aare.edu.au/97pap/hughp518.htm>